

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10856MEL

HOWARD KAPLAN,

Plaintiff,

v.

WEND MANAGEMENT, INC.,
WENDY'S OLD FASHIONED
HAMBURGERS OF NEW YORK,

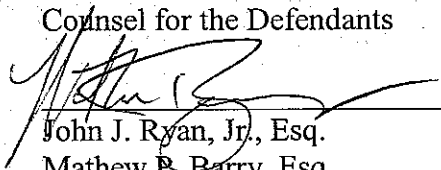
Defendants.

CERTIFICATION PURSUANT TO LOCAL RULE 16.1(3)

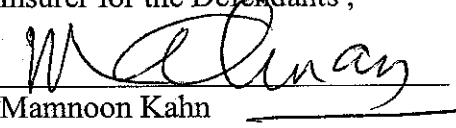
Counsel for defendants, Wend Management, Inc. and Wendy's Old Fashioned Hamburgers of New York, Inc., hereby certify that I have conferred with my client regarding establishing of a budget for the costs of conducting the full course-and various alternative courses-of the litigation. I further certify that I have conferred with my client regarding resolution of the litigation through alternative dispute resolution programs.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY
THIS 23 DAY OF February, 2005

Counsel for the Defendants


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